



THE UNIVERSITY *of* EDINBURGH

Edinburgh Research Explorer

The debate on Scottish parliamentary reform, 1830-1832

Citation for published version:

Pentland, G 2006, 'The debate on Scottish parliamentary reform, 1830-1832', *The Scottish Historical Review*, vol. 85, no. 1, pp. 100-130. <https://doi.org/10.1353/shr.2006.0025>

Digital Object Identifier (DOI):

[10.1353/shr.2006.0025](https://doi.org/10.1353/shr.2006.0025)

Link:

[Link to publication record in Edinburgh Research Explorer](#)

Document Version:

Peer reviewed version

Published In:

The Scottish Historical Review

Publisher Rights Statement:

© Pentland, G. (2006). The debate on Scottish parliamentary reform, 1830-1832. *Scottish Historical Review*, 85(1), 100-130doi: 10.1353/shr.2006.0025

General rights

Copyright for the publications made accessible via the Edinburgh Research Explorer is retained by the author(s) and / or other copyright owners and it is a condition of accessing these publications that users recognise and abide by the legal requirements associated with these rights.

Take down policy

The University of Edinburgh has made every reasonable effort to ensure that Edinburgh Research Explorer content complies with UK legislation. If you believe that the public display of this file breaches copyright please contact openaccess@ed.ac.uk providing details, and we will remove access to the work immediately and investigate your claim.



GORDON PENTLAND

The Debate on Scottish Parliamentary Reform, 1830-1832

Abstract

The voluminous historiography of the ‘Great Reform Act’ of 1832 and the more modest historiography of the Reform Act (Scotland) have tended to focus on how far the legislation effected a break with an aristocratic constitution. What this approach does little to illuminate, however, is the extent to which the reform legislation was framed and debated as a renegotiation of the relationship between England and Wales, Scotland, Ireland and the Empire. In Scotland, this meant that the extensive debate on reform tended to revolve around different interpretations of the Union of 1707 and Scotland’s subsequent history and development. This article explores the reform debate among Scotland’s political elite and, in particular, how the issue was tackled in Parliament. It demonstrates that in the fluid context provided by the developing constitutional crisis after 1829 simple divisions of ‘Whig’ and ‘Tory’ and even ‘Reformer’ and ‘Anti-reformer’ do not adequately describe the range of positions taken on the question of reform. The need to respond to the arguments of parliamentary opponents and to fast-moving events outside of Parliament ensured that responses to reform tended to be idiosyncratic. This article argues that the combination of the nature of reform as a renegotiation of the Union and the need to appeal to those outside of Parliament saw the reform debate prosecuted as a contest over the language of patriotism. Both sponsors and opponents of reform claimed to represent the voice of ‘the nation’, but this contest was far more complex than a straightforward confrontation between Anglophile ‘assimilationists’ and defenders of Scottish ‘semi-independence’.

Those historians who have attempted complete accounts of Britain’s crisis of reform have instinctively referred to the debate and controversy that surrounded the passing of the ‘Great Reform Act’ between 1830 and 1832, and have made only fleeting reference to the other two Reform Acts which were passed in 1832 to restructure the parliamentary representation of Ireland and Scotland.¹ In one sense such omission is perfectly reasonable, given that the main parliamentary battleground was, indeed, the measure for England and Wales. This was especially true after the government’s intention to pilot all three bills through

¹ The standard account is still Michael Brock, *The Great Reform Act* (London, 1973); see also Edward Pearce, *Reform! The Fight for the 1832 Reform Act* (London, 2003).

Parliament simultaneously was rendered impractical by the amendment moved by General Gascoyne in April 1831. This attacked the government's proposed redistribution of parliamentary seats and called for no reduction to be made to the English representation in Parliament, a move that was explicitly designed 'to prevent the aggrandizement of the Irish and Scotch, at the expense of the English representation'.²

Historiographical debate on the reform measures has tended to revolve around the issue of whether they represented, or were intended as, a decisive break with an aristocratic constitution or a carefully engineered adjustment, which left much of the old system, and in Scotland its most obnoxious features, intact.³ Gascoyne's amendment might thus be seen as an obstructionist tactic of inveterate anti-reformers, self-interestedly seeking to preserve the unreformed system. The amendment and the lengthy exchanges that followed it do, however, highlight another major area of the reform debate. The measures were debated throughout as a renegotiation of the British constitution and a rebalancing, or indeed unbalancing, of the political relationships between England and Wales, Scotland, Ireland and the Empire.⁴ This was an area of contention which government had to consider very seriously as it attempted to legislate effectively for the multiple union. While ministers remained committed to increasing the representation of Scotland and Ireland, this could not be done to too great a degree, especially in Ireland, without losing votes in the Commons. Scottish and Irish votes, however, were important, and so the architects of reform had to steer between the Scylla of what the Lord Advocate saw as a selfish 'English nationality' and the Charybdis identified by Lord Holland in a potential 'combination of Irish and Scotch reformers and the antireformers'.⁵ It is partly with a view to illuminating some of these 'national' aspects of the reform question, that this article will investigate the debate on the Reform Bills for Scotland between 1830 and 1832.

It was a measure of the low priority given to the Scottish reform bill that Lord Althorp, the Chancellor of the Exchequer and leader of the House of Commons, could consider Scotland in just one line in the plan he submitted to the committee of reform in December 1830: 'Give Scotland a Representative Government.'⁶ The reform bill for England and

² *Parliamentary Debates* [Parl. Debs.], 3rd ser., iii, 1528.

³ The English historiography is ably surveyed in Philip Salmon, *Electoral Reform at Work: Local Politics and National Parties, 1832-1841* (Woodbridge, 2002), 3-11; for Scotland see William Ferguson, 'The Reform Act (Scotland) of 1832: Intention and Effect', *SHR* 45 (1966) 105-114; Michael Dyer, *Men of Property and Intelligence: The Scottish Electoral System Prior to 1884* (Aberdeen, 1996), 23-68.

⁴ For the neglected imperial dimension to the reform debates see Miles Taylor, 'Empire and Parliamentary Reform: The 1832 Reform Act Revisited' in Arthur Burns and Joanna Innes (eds), *Rethinking the Age of Reform: Britain 1780-1850* (Cambridge, 2003), 295-311.

⁵ Edinburgh, National Library of Scotland [NLS], Advocates' Manuscripts [Adv. MSS], 9.1.8, fo. 77, Francis Jeffrey to Henry Cockburn, 5 Sept. 1831; Abraham D. Kriegel (ed.), *The Holland House Diaries 1831-40* (London, 1977), 58.

⁶ Durham University Library [DUL], Grey Papers, GRE/B46/1/29, Lord Althorp's Plan of Reform.

Wales remained the principal battleground throughout the reform debates, while the need to legislate sensitively for Ireland, still dangerously divided after the Wellington administration's passing of Catholic Emancipation in 1829, made her representative arrangements second priority. Although Sir James Graham, the First Lord of the Admiralty, took some responsibility for Scottish reform, it fell to the Scottish law officers, Francis Jeffrey, the Lord Advocate, and Henry Cockburn, the Solicitor-General, to draft the measure. Jeffrey, relying on the support of a handful of other Scottish MPs, undertook to prosecute the measure in Parliament. In doing so, he pitted himself against Scottish MPs who remained, of all the national groupings, the most consistently opposed to reform.⁷

The approaches to reform among Scottish political elites defy easy categorisation. There were broad areas of agreement, but it is difficult to identify coherent Whig and Tory positions on the reform bills. One alternative would be to follow a division that was identified by contemporaries: 'It was no longer Whig and Tory: It was Reformer and Anti-reformer.'⁸ Even such non-party labels as pro- and anti-reform, however, prove inadequate in a fluid context where what was often debated was not whether there ought to be reform, but rather to what extent and along what lines it ought to be carried. Certainly, distinct theoretical approaches can be glimpsed, more especially in the printed texts produced by some members of Scotland's political elites and the rival periodicals, *Blackwood's* and the *Edinburgh Review*. In debate, however, the need to respond to the arguments of opponents and to events outside Parliament meant that the responses of most MPs were idiosyncratic.⁹

This pressing need to respond to events outside Parliament suggests that high politics cannot be seen as an isolated practice, impervious to what was happening 'out of doors'.¹⁰ MPs were speaking not only to their immediate parliamentary audience but also to a large popular movement that demanded reform. Alexander Somerville, working as a gardener's labourer during the debates on the first and second readings of the English reform bill, attested to the extra-parliamentary interest in what MPs actually said: 'The speeches were perused with intense interest, even in such places so socially remote as our bothy'.¹¹ When the duke

⁷ For how different national groups of MPs voted on the reform bills see Gordon Pentland, 'Radicalism and Reform in Scotland, 1820-1833' unpublished Ph.D. thesis (University of Edinburgh, 2004), 291.

⁸ Rusticus, *Letter to the Right Hon. Earl of Minto* (Edinburgh, 1831), 5.

⁹ Mark O'Neill and Ged Martin, 'A Backbencher on Parliamentary Reform, 1831-1832', *Historical Journal*, 23 (1980) 539-63.

¹⁰ For arguments for a cohesive political culture in Britain and for the influence of the English Political Unions on Parliament see Peter Jupp, *British Politics on the Eve of Reform: The Duke of Wellington's Administration, 1828-30* (London, 1998); Nancy D. LoPatin, *Political Unions, Popular Politics and the Great Reform Act of 1832* (London, 1999).

¹¹ Alexander Somerville, *The Autobiography of a Working Man* (London, 1848: reprint, 1951), 91.

of Buccleuch made what reformers believed were false representations of their motives, he received detailed refutations of his speeches in the post.¹² There was thus a good deal of interaction between Parliament and the popular movement for reform. Just as the actions and arguments of the popular reform movement could be materially affected by what was said and done in Parliament, so could the speeches and votes of MPs be influenced by experience or perceptions of what was happening outside of Westminster.

With this large reform movement in Scotland claiming to represent the voice of 'the nation', and a reform measure that sought a fundamental change in Scotland's position within Britain, both reformers and anti-reformers attempted to capture the language of patriotism. This aspect of the reform question ought to be seen in the context of wider historiographical debate. George Davie's monumental *The Democratic Intellect*, in attributing to the anglicisation of Scottish universities in the nineteenth century a destructive impact on Scottish culture and institutions, identified a dynamic that seems applicable to the Whig reforms of 1832.¹³ Nicholas Phillipson's work on the reform of the Court of Session is, however, more valuable in exploring this aspect of the reform debate. The fundamental remodelling of the Court, an immobile Scottish institution protected by powerful vested interests and the Union settlement, provides a close analogy for the issue of Scottish parliamentary reform. The reform aimed at, which had a long lineage but was only completed in 1830, was to introduce trial by jury into the ordinary forms of the Court of Session. Such a reform might be viewed as a clear case of assimilation, straightforwardly giving to Scotland the benefits of a much-vaunted English liberty. Phillipson, however, examined the contested nature of this process, whereby both Whigs and Tories might oppose the reform if it were not seen to be in the best interests of Scotland, though many found they could do so only through 'an ideology of noisy inaction', which might accept the inevitability of assimilation, but remained concerned about its impact on Scottish society and institutions.¹⁴ The language of patriotism was similarly contested in the consideration of parliamentary reform, and no party achieved a monopoly on its use. Just as simple categories of pro- and anti-reform only inadequately reflect the complexity of debate, so too do notions of a bi-polar

¹² Edinburgh, National Archives of Scotland [NAS], Buccleuch Muniments, GD224/507/32, David Brown to the duke of Buccleuch, 20 April 1831.

¹³ George Elder Davie, *The Democratic Intellect: Scotland and her Universities in the Nineteenth Century* (Edinburgh, 1961). A similar interpretation of Scottish politics, where a patriotic pre-1832 governing class offering effectual government is contrasted with the 'ruthless anglicisation' of the Whigs, is offered in Michael Fry, *The Dundas Despotism* (Edinburgh, 1992), 379-84.

¹⁴ Nicholas Phillipson, *The Scottish Whigs and the Reform of the Court of Session, 1785-1830* (Edinburgh, 1990); Nicholas Phillipson, 'Nationalism and Ideology' in J. N. Wolfe (ed.), *Government and Nationalism in Scotland: An Enquiry by the Members of the University of Edinburgh* (Edinburgh, 1969), 167-188. Davie's Anglicisation thesis has also been convincingly questioned in subsequent work on Scottish education, especially R. D. Anderson, *Education and Opportunity in Victorian Scotland* (Oxford, 1983), 358-61.

confrontation between Anglophile 'assimilationists' and defenders of Scottish 'semi-independence' oversimplify this particular aspect of it.¹⁵

This article will therefore consider parliamentary reform as it was debated in Parliament and in the ranks of the Scottish political elite. The principal Scottish debates on parliamentary reform occurred on the introduction of the three successive Scottish reform bills. Lord John Russell's introduction of the government plan of reform on 1 March 1831 was followed on 9 March by his asking leave to bring in the Scottish bill.¹⁶ Following the government's defeat on Gascoyne's amendment, and the subsequent general election, the next major debate followed the reintroduction of the bill, when Jeffrey moved a second reading on 23 September.¹⁷ The final major debates took place on Jeffrey asking leave to bring in another bill in January 1832, after the rejection of the English bill by the House of Lords in October, and on its second reading in May.¹⁸ Over this two-year period, however, Scottish reform was debated constantly. The political elite avidly followed the progress of the various bills in the press, and last ditch amendments or clauses could quickly stimulate debate. These less publicised issues provided fora for the discussion going on among Scotland's political elite.

*

In the first instance, it is important to realise that what MPs debated was the reform of a representative system that was peculiar to Scotland. While the Act of Union had determined that Scotland would return forty-five representatives to the House of Commons, it had left the franchise and other electoral machinery largely untouched. This system had ensured that, by 1830, Scotland's whole electorate was probably less than 4,500 in a population of 2,300,000.¹⁹ The reform critique focused on the system that produced this narrow electorate, and highlighted two principal grievances. First, it condemned the county franchise, which was based largely on a statute of 1681 and had been increasingly open to abuse. In particular, the creation of 'fictitious' or 'faggot' votes on the qualification provided by the feudal superiority over land rather than ownership of the land itself, was condemned as a practice that led to aristocratic domination and illegitimate influence.²⁰ Second, it highlighted the oligarchic system of municipal government, whereby sitting town councils elected their own successors on the authority of a statute of 1469. If this was seen as a recipe for corruption and mismanagement in

¹⁵ Lindsay Paterson, *The Autonomy of Modern Scotland* (Edinburgh, 1994), 46-72.

¹⁶ For the major Scottish contributions to these debates see *Parl. Debs.*, 3rd ser., ii, 1144-60, 1182-7, iii, 59-81, 125-43, 317-25.

¹⁷ *Ibid.*, vii, 527-80.

¹⁸ *Ibid.*, ix, 632-45, xii, 1175-1209.

¹⁹ Norman Gash, *Politics in the Age of Peel: A Study in the Technique of Parliamentary Representation 1830-1850* (London, 1953), 36.

²⁰ For the representative system in the Scottish counties see William Ferguson, 'The Electoral System in the Scottish Counties before 1832', *Stair Society Miscellany*, 2 (1984) 261-94.

local government the fact that these councils, grouped together in districts of burghs, also returned Scotland's burgh MPs meant that municipal and parliamentary reform in the Scottish context were but two sides of the same coin.²¹ A final point to make about the Scottish franchises and electorate is that in their narrowness they stood in marked contrast to those in Ireland and England. There were, of course, serious reform arguments that applied to the representative system throughout the United Kingdom, but there was broad agreement that unique features in Scotland's representation made it the very worst component of this system. Indeed, by December of 1831, Lord Holland was convinced that even the most extreme English anti-reformers would concede reform in Scotland 'for the old system there is admitted to be too preposterous to be defended'.²² The peculiarities of Scotland's system would thus become a key battleground in the arguments between reformers and anti-reformers.

Indeed, the narrowness of the Scottish system meant that the majority of Scottish MPs had little to gain from parliamentary reform, and they remained the most trenchant opponents of the government's legislation. In England, as D. C. Moore has demonstrated, the forty shilling freeholder franchise in the counties had increasingly allowed voters from urban areas without separate representation to undermine the landed interest in industrial counties.²³ English reform might, therefore, garner support from landholders who would welcome redistribution plans that would remove this urban influence from the county representation. In Scotland, a restrictive franchise ensured that neither county nor burgh MPs were exposed to such pressures and, consequently, could oppose reform as being materially against their own interests.²⁴ They were, of course, exposed to the pressure of public opinion, which, if it could not exert much direct electoral influence, might affect the opinions of both electors and elected indirectly. Although a majority of Scottish MPs, particularly before the general election of 1831, voted consistently against the government bills, few were willing to take to their feet and explain their opposition to Scottish reform in the initial debates. Even fewer were prepared, following the public reaction that had vilified the duke of Wellington and William Dundas, the MP for Edinburgh, to declare against the necessity of any reform.

²¹ For the representative system in the Scottish Burghs see Michael Dyer, 'Burgh Districts and the Representation of Scotland, 1707-1983', *Parliamentary History* 15 (1996) 287-307; D. W. Hayton (ed.), *The History of Parliament: the House of Commons, 1690-1715*, (5 vols, Cambridge, 2002), i, 161-77; Edward Porrit, *The Unreformed House of Commons: Parliamentary Representation before 1832* (2 vols, Cambridge, 1903), ii, 115-42.

²² NLS, Correspondence of J. A. Murray, MS 19735, fo. 65, Lord Holland to J. A. Murray, 14 Dec. 1831.

²³ D. C. Moore, 'Concession or Cure: The Sociological Premises of the First Reform Act', *Historical Journal* 9 (1966) 39-59.

²⁴ For the representative system in the Scottish counties see Ferguson, 'The electoral system in the Scottish counties before 1832', 261-94.

Those who opposed reform certainly could not do so with the confidence they had during the 1820s and earlier. Although we should not overemphasise the transformative effect of the period, the idea that parliamentary reform in Scotland could be opposed by invoking the inviolability of the Union settlement had taken a decisive beating. Though reformers had consistently argued that the abolition of heritable jurisdictions in 1747 had decisively proved the mutability of the settlement, the constitutional changes effected by the repeal of the Test and Corporation Acts in 1828 and particularly the concession of Catholic Emancipation the following year, demonstrated the power of the Parliament to amend the terms of the Union.²⁵ This certainly had an impact on some Scottish members, who had to abandon or reconfigure arguments that they had levelled against political reform before 1828. Sir George Clerk, the MP for the county of Edinburgh, had argued against Lord Archibald Hamilton's motion to amend the Scottish county representation in 1823 that the terms of the Union utterly forbade such a measure, but had to concede by 1831 that 'the change proposed was within the power of Parliament'.²⁶

In any case, constitutional immutability had never been the principal argument deployed against reform, and those who opposed it more often rested their claims on a more nuanced and flexible interpretation of the constitution. In 1831 those who opposed reform, as they had done in the 1820s, tended to appeal to Burkean notions of an essentially prescriptive constitution. This argument had important common and natural law antecedents and posited a constitution which had proved itself ideally suited to the practical needs of the people and had evolved over time, amended by the experience of generations.²⁷ The argument was decisively stated in the context of the French Revolution, and could provide a definitive case against the pursuit of the kind of 'speculative' reform that had characterised the proceedings of the revolutionaries and had found a popular audience in Britain through the writings of Thomas Paine. Burke had sought to establish that the experience of generations, which had amended practical abuses as they became apparent

²⁵ This absolute parliamentary sovereignty in some ways remained, of course, ambiguous and contested, as the Ten Years' Conflict and the Disruption of the Church of Scotland would demonstrate after 1833; see Michael Fry, 'The Disruption and the Union' in Stewart J. Brown and Michael Fry (eds), *Scotland in the Age of Disruption* (Edinburgh, 1993), 31-43; H. T. Dickinson, 'The Ideological Debate on the British Constitution in the Late Eighteenth and Early Nineteenth Centuries' in Andrea Romano (ed.), *Il Modello Costituzionale Inglese e la sua Ricezione nell'area Mediterranea tra la fine del 700 e la prima metà dell'800* (Milan, 1998), 166-77.

²⁶ *Parl. Debs.*, 2nd ser., ix, 623 and 3rd ser., iii, 126. Sir George Clerk (1787-1867) was MP for the county of Edinburgh 1811-32 and then again 1835-7 and was connected to the Dundas interest. He was a lord of the admiralty 1819-27 and 1828-30 and under-secretary for the Home department in the last few months of Wellington's administration.

²⁷ J. G. A. Pocock, 'Burke and the Ancient Constitution: A Problem in the History of Ideas', *Historical Journal* 3 (1960) 125-43; Paul Lucas, 'On Edmund Burke's Doctrine of Prescription: Or, an Appeal from the New to the Old Lawyers', *Historical Journal* 11 (1968) 35-63.

and produced the constitution in its present form, had to be preferred to the theoretical approach of individuals or single generations.²⁸

Such arguments were still the meat and drink of much political debate, and those who opposed the bill consistently represented it as a 'speculative' or 'theoretical' measure, and sought to highlight the manifold dangers of adopting such an approach to Britain's political institutions.²⁹ The argument had more force in the Scottish context, where reformers had long pointed to the total insufficiency of Scottish representation and the consequent need for its complete reform. This suspicion of theory was perhaps bolstered by the involvement of the Scottish bill's architects, Francis Jeffrey, the Lord Advocate, and Henry Cockburn, the Solicitor-General, in political economy through the *Edinburgh Review*. Furthermore, in Parliament, prominent Scots like Jeffrey and Sir James Mackintosh, pressed the point that while the notion of 'restoration' was applicable to the English context, it certainly could not be used in reference to Scotland, where a total absence of popular representation meant that political arrangements essentially had to be devised from scratch. Anti-reformers seized on such arguments and lost no opportunity to point out the dangers of such an approach. Sir George Murray, MP for Perthshire, explained his continued opposition to the bill in September 1831 by suggesting that while the English bill certainly made great changes to her ancient institutions 'the Scotch Bill went far beyond that, as it completely overturned and destroyed the system of Representation which had existed in that portion of the empire both before and subsequent to the Union'.³⁰ The ministers were examples of men who 'looked not to practical good through experience, but to theoretical good through speculation', and the House need only look so far as France for an example of the turmoil that came with 'destroying the ancient institutions, and of overturning the social edifices that had existed for generations'.³¹

Members who opposed the bills frequently invoked the spectre of the French Revolution to oppose the speculative reform of Britain's institutions. Lord Francis Leveson Gower, MP for Sutherland, claimed to remember the anarchy caused by the French Revolution and was alarmed by the open display in Britain of the tricolour flag 'the emblem and forerunner of revolution in other countries'.³² All MPs operated

²⁸ Edmund Burke, *Reflections on the Revolution in France* (London, 1790); H. T. Dickinson, *Liberty and Property: Political Ideology in Eighteenth-Century Britain* (London, 1977), 270-318.

²⁹ It was a common trope in criticism of the Whigs that 'they followed abstract principle, without regarding other considerations'; 'Parties', *Blackwood's Edinburgh Magazine* [*Blackwood's*] 28 (1830) 90.

³⁰ *Parl. Debs.*, 3rd ser., vii, 566. Sir George Murray (1772-1846) had been an officer during the French Revolutionary and Napoleonic Wars and served as Wellington's quartermaster-general in the Peninsula 1809-14. He sat for Perthshire in the Dundas interest 1824-32 and held various offices during his career, most notably as colonial secretary under Wellington 1828-30.

³¹ *Ibid.*, 571-2.

³² *Ibid.*, ii, 1150.

within the ideological context bequeathed by the French Revolution, and the lesson emphasised by those who opposed reform was that taught by Burke—speculative reform led to revolution. Indeed, for Lord Gower, the two were inseparable, and he eulogised the memory of men like Pitt, Windham and Canning who ‘boldly placed themselves between the Constitution and that dreaded plague, Reform, which was but another word for revolution’.³³ Such assertions were doubtless given extra force by the continuing instability of Europe after another, albeit more moderate, revolution in France had overthrown Charles X in the ‘glorious three days’ of July 1830. This tendency of the opponents of reform to interpret domestic politics in a European context, and particularly through the prism of the 1790s, was given sustained expression in the series of thirteen articles ‘On Parliamentary Reform and the French Revolution’ penned by Archibald Alison for *Blackwood’s*.³⁴ It was not only the opponents of reform, of course, who believed that Continental events were relevant to domestic reform, and the government too was anxiously following events in France. In January 1832, perhaps with the revolt of the Lyon silk-workers in November 1831 in mind, Jeffrey informed Cockburn: ‘I am sure we are very uneasy at the ticklish state of things in France. If monarchy is again cast down there, there will be war and revolution all over the continent.’³⁵

If opponents of reform had largely retreated from an argument based on the inviolability of the provisions of the Union, they were not deprived of the ability to portray themselves as patriotic defenders of Scotland’s peculiar position since 1707. The predisposition to value experience over theory provided opponents of the bill with their most frequently employed arguments. It allowed for the defence of irregularity and the apparently haphazard nature of Britain’s representative system, which, nevertheless, perfectly represented all interests. In looking back to the reform crisis, and reflecting on the results of the legislation, Archibald Alison recalled the predictions he had made at the time and which he now believed had been confirmed:

[...] the Reform Bill would destroy the virtual representation of the colonies, which had grown up with the purchase of the close boroughs by colonial wealth; close the avenue by which the highest and most disinterested talent had hitherto obtained an entrance into the Legislature; vest supreme political power in a single class [...] to the exclusion of the varied

³³ *Ibid.*, 1147.

³⁴ [Archibald Alison], ‘On Parliamentary Reform and the French Revolution [nos. I–XIII]’, *Blackwood’s* 29–31 (1831–32). Archibald Alison (1792–1867) had been made an Advocate-Depute in 1822 and lost this post when the reform government came to power in 1830. He turned to journalism to make a living and in his thirteen articles in *Blackwood’s* he expounded some of the arguments that would form the basis of his most famous work, the *History of Europe during the French Revolution* (1833–42). For an analysis of Alison’s political journalism see Maurice Milne, ‘Archibald Alison: Conservative Controversialist’, *Albion* 27 (1995) 419–43; Michael Michie, *An Enlightenment Tory in Victorian Scotland* (East Linton, 1997), 159–71.

³⁵ NLS, Adv. MSS, 9.1.8, fo. 119, Francis Jeffrey to Henry Cockburn, 18 Jan. 1832; Sharif Gemie, *French Revolutions, 1815–1914* (Edinburgh, 1999), 44–62.

interest which had hitherto divided the powers and attracted the attention of Government from all the different quarters of the empire.³⁶

It was by a similar argument that the singularity of Scotland's arrangements could be justified in Parliament. It was a defence of Scotland's semi-independence since the Union, but one premised on the practical results of this arrangement, rather than on simple invocations of its immutability. One manner in which this had been done before 1830 was to maintain that the British system could only be appreciated when viewed in its entirety. Lord Binning had used this argument to justify his opposition to James Abercromby's motion to amend the representation of Edinburgh in 1824.³⁷ This position had, however, been undermined by the Wellington administration's disfranchisement of some 200,000 Irish forty-shilling freeholders as a security for the passing of Catholic Emancipation in 1829. The argument was still voiced throughout the reform crisis, and Alison defended the existing system by pointing to the constitutional balance maintained by the 'popular' and 'aristocratic' interests being predominant in different parts of the country: 'Cornwall and Scotland are the great fortresses of the aristocratic; London and the manufacturing districts, of the democratic factions.'³⁸ By October 1831, however, Lord Binning, now the earl of Haddington and sitting in the Lords, was compelled to follow the logic of his own earlier position. Though he still opposed the government's bill, he was convinced of the necessity of political reform in Scotland, which he had only resisted before on the basis that 'it would be impossible to introduce it without its being followed by a Reform of the Representation in England'.³⁹ Now that it was proposed to alter the representation in all three kingdoms, an argument that sought the maintenance of Scottish singularity as a check on political arrangements elsewhere was unsustainable.

In fact, the principal argument against reform of Scotland's representation, though still deriving from the notion of a prescriptive constitution, rested on less well-defined notions of the singularity of Scotland, her people and her institutions. It was delivered by Lord Gower during the debate on the English reform bill and formed the first defence of Scotland's representation. Certainly, he argued, were one to suggest a change in Scotland's parliamentary representation to the shade of Fletcher of Saltoun, 'the last of Scotchmen', he might recount the political and religious partisanship, the oppression of the lower orders and the corruption of his own day. Fletcher, or any noble-minded contemporary of his, claimed Gower, would doubtless assent to such political reform.⁴⁰ Gower then considered the present state of Scotland and,

³⁶ Archibald Alison, *Some Account of My Life and Writings: An Autobiography*, 2 vols, (Edinburgh, 1883), i, 305.

³⁷ *Parl. Debs.*, 2nd ser., x, 472.

³⁸ [Alison], 'Parliamentary Reform and the French Revolution, No. III', *Blackwood's*, 29 (1831) 440.

³⁹ *Parl. Debs.*, 3rd ser., viii, 60-1.

⁴⁰ *Ibid.*, ii, 1144-5.

seeking to subvert Whig reform arguments, he cannily took his evidence from an influential pro-reform article by Henry Cockburn, which had appeared in the *Edinburgh Review* in October 1830. The article, while lamenting the lack of political representation, painted a rosy picture of the state of Scottish society, and Gower cited word for word Cockburn's praise of the general education and peacefulness of Scotland's rapidly increasing population and her 'generally diffused wealth'.⁴¹

By this argument, what was important was not the theory behind Scotland's political arrangements, but the results they produced. These were, in post-Union Scotland's case, an enviable level of material prosperity and civilisation. This defence was one premised on the singularity of Scotland's position after 1707, retaining peculiar institutions and an increasingly educated people who, however, sensibly avoided claiming abstract political rights and, according to Lord Stormont, 'preferred peace to revolution; they wanted to have their ancient institutions preserved to them, and they wanted to be left alone. In short, they preferred their own institutions, founded on practice to any the noble lord could offer them founded on theory.'⁴² It was a patriotic argument that celebrated Scotland's progress since 1707, but which sought to defend its chartered rights and institutions as then secured. This argument could attribute Scotland's present advanced position not to the effects of the Union and the reflected freedom and 'intrinsic excellence of the English constitution', but rather to Scotland's own peculiar institutions and historical development.⁴³ Thus, for Alison, Scotland's progress did derive from a 'long and unparalleled series of beneficent legislation' but the origins of this were in the period before 1707: 'All the great foundations of public prosperity [...] were laid by the Scottish legislature prior to the English Union.'⁴⁴ The Union had indeed brought good government, but it was good government only because it left Scotland alone to flourish under its own excellent institutions.⁴⁵ When reformers were believed to be indifferent to the peculiar arrangements that had produced such results, arguments could be made that were nationalistic and anti-English.

This was bolstered by the impression among opponents of the bill, that insufficient time was devoted to consideration of Scottish reform, the introduction of which was disposed of within one hour late at night.⁴⁶ In light of this perceived neglect of Scottish legislation, opponents might represent the largely English cabinet as a crude, centralising force, indifferent to the Scottish aspects of the reform question. When he was defeated by a reform candidate in the election for the

⁴¹ *Ibid.*, 1145-6; [Henry Cockburn], 'Parliamentary Representation of Scotland', *Edinburgh Review* 52 (1830) 208-9.

⁴² *Parl. Debs.*, 3rd ser., ii, 1187.

⁴³ [Alison], 'Parliamentary Reform and the French Revolution, No. XI', *Blackwood's* 30 (1831) 775.

⁴⁴ *Ibid.*, 777.

⁴⁵ *Ibid.*, 773-4.

⁴⁶ *Parl. Debs.*, 3rd ser., iii, 317-25.

Selkirk burghs in May 1831, James Johnston of Alva levelled a particularly virulent and nationalistic blow at the Whig administration:

[...] even the Lord Advocate did not know; by his own confession, Ministers had not confided to him what their intentions were; so that in effect Scotland was to have laws made for her by Englishmen, who knew nothing about the country. Was it to be endured, that we, countrymen of Bruce and Wallace, should submit to receive laws from the descendants of those men whom our heroic ancestors had beaten in the field; and that we were to have their plan of government forced down our throats.⁴⁷

The defence of the singularity of Scotland's position necessitated interpretations of the Scottish people for whom opponents of the reform bill purported to be acting, and of the movement that was vociferously demanding reform outside Parliament. One approach was to maintain that the Scots remained peaceable and uninterested in political reform. This, however, became increasingly difficult to sustain and the more typical approach was to represent the reform agitation as temporary, the result of peculiar circumstances rather than well-informed and deeply-held convictions on the part of the Scottish people. Lord Gower attributed the movement not to 'the force of argument' but rather to 'a concurrence of circumstances and from events which had taken place on the Continent' and expressed confidence in March 1831 that a reaction would not be long in coming.⁴⁸ Perhaps the most common explanation for the agitation was to attribute it, as Sir George Warrender did, to the 'firebrand' of the ministerial bill.⁴⁹ Correspondents of the duke of Buccleuch assured him that 'if the mobility were let alone' there would be no reform meetings, and lamented and vilified the narrow and dangerous tactics of government: 'Excitement alone is the ministerial weapon of offence or defence, and this in the end will work their own ruin.'⁵⁰

Opponents of the bill, like Lord Loughborough, also expressed the conviction that support for the reform bill in Scotland came from the 'distress which pervaded all classes' and the belief that reform would provide remedies for material grievances.⁵¹ One pamphlet written by 'a Freeholder and Landholder of Scotland' suggested that the lower orders would ever remain discontented with their lot and desire change. This clamour should not be regarded as an expression of political beliefs, but a call for material improvement: 'what they desire is not a change in government, but a change in their circumstances'.⁵² It was this

⁴⁷ *Scotsman*, 25 May 1831.

⁴⁸ *Parl. Debs.*, 3rd ser., ii, 1147.

⁴⁹ *Ibid.*, vii, 547.

⁵⁰ NAS, Buccleuch Muniments, GD224/507/65, Capt. T. W. O. Brown to the duke of Buccleuch, 14 May 1832; GD224/507/56, William Burn to the duke of Buccleuch, 17 May 1832.

⁵¹ *Parl. Debs.*, 3rd ser., xii, 1187.

⁵² A Freeholder and Landholder of Scotland [J. C. Colquhoun], *The Constitutional Principles of Parliamentary Reform* (Edinburgh, 1831), 64. J. C. Colquhoun of Killermont,

interpretation of the motives of the lower orders that could move Sir Charles Forbes in the Commons, and the duke of Buccleuch in the Lords, to claim that reform petitions had been put in gin shops to be signed.⁵³ When potential subscribers asked what the benefits of reform would be, Forbes claimed they were persuaded to sign by the answer 'they would have whisky for nothing; that there would be no gaugers, and that all would be quite free'.⁵⁴ These sorts of petitions were worthless when set next to the petitions against the bill from what he and others considered as the true representatives of Scottish opinion and the watchdogs of the constitution, the freeholders in the counties.⁵⁵ It was a similar profound distrust of the people which saw Sir William Rae qualify the image of them as peaceable in the opening debates: 'He regretted the extension of the franchise, because it was well-known that Scotchmen seldom came together in a multitude without causing bloodshed, or at least riot'.⁵⁶ This view of the incapacity of the people, or at least the lower orders, to engage in respectable politics, coloured the responses of opponents of the bill to the various stages of the reform crisis. Rae restated his position following a rash of election disturbances in May 1831 and cited these as 'proof of its correctness', a sentiment supported by Clerk.⁵⁷ *Blackwood's* was triumphant that the much vilified Rae had been vindicated and that, at the first opportunity, the people 'broke out into the very excesses which had been foretold by those who knew them best'.⁵⁸

The elections themselves also rendered the immediate political context more problematic for those Scottish MPs who had opposed the bill, and particularly for those who had voted for Gascoyne's

⁵² (*Continued*) who became MP for Dumbartonshire at the first reformed general election in 1832, wrote several pamphlets during the reform crisis, which were denounced by the radical press; see for example *Reformers' Gazette*, 8 Dec. 1832.

⁵³ Sir Charles Forbes (1779-1852) was MP for Malmesbury 1818-32 and is a prime example of a Scot who had spent his earlier career in India before sitting for an English borough. He was a strong opponent of the reform bills, although he was one of the first to argue that, because the franchise was based on property, women ought not to be excluded from its enjoyment.

⁵⁴ *Parl. Debs.*, 3rd ser., iii, 1244; For Buccleuch's comments *Ibid.*, 1320-1. The duke of Buccleuch had such opinions confirmed for him by reports from the country, a teacher from near Falkirk describing the agitation there as stemming from promises made that reform would provide 'cheap meal—low priced provisions—little work—cheap whisky'; NAS, Buccleuch Muniments, GD224/507/36, John Mitchell to the duke of Buccleuch, 6 Nov. 1831.

⁵⁵ See speeches of the earl of Haddington and the duke of Wellington on presenting petitions from counties of Edinburgh and Dumbarton; *Parl. Debs.*, 3rd ser., iii, 1313-17, 1321-2.

⁵⁶ *Ibid.*, 324. Sir William Rae (1769-1842) was Lord Advocate for successive Tory governments between 1819 and 1830 and then again under Peel in 1834-5 and after 1841. He was fiercely attacked by the reform movement for his outspoken comments in debate and his record of sitting for small constituencies (Anstruther Burghs, 1819-26; Harwich, 1826-30; Bute, 1830-1; Portarlington, 1831-2).

⁵⁷ *Parl. Debs.*, 3rd ser., iv, 363-4.

⁵⁸ [Alison], 'Parliamentary Reform and the French Revolution, No. VI', *Blackwood's* 29 (1831) 921.

amendment. With a ministry now sure of carrying the principle of the bill in the House of Commons, few Scottish MPs ventured to oppose the reform bill in its entirety, instead seeking to minimise its impact by amending the proposed redistribution of seats. Essentially, they now styled themselves as 'moderate reformers' no longer opposing the principle of reform itself, but only the theoretical provisions that would upset the balance of a prescriptive constitution. Crucially, the approach from prescription precluded only the kind of theoretical reform from which the dangers of revolution might be feared. Those who opposed the reform bills were thus able to argue that it was only this type of sweeping reform that was anathema to them, while many, such as Sir George Clerk, MP for the county of Edinburgh, could emphasise that they were prepared to 'alter and amend'.⁵⁹ This altered mode of opposition was more prevalent after the general election and had one principal political aim—the protection of the landed interest from what Charles Douglas, the MP for Lanarkshire, described as 'a direct attack on the agriculturalists'.⁶⁰

If it was in their interests to attack the proposed plan of redistribution, when the Scottish bill was placed next to the English measure anti-reformers were presented with an issue that allowed them to make stronger claims for the patriotic high ground. A prominent theme in nearly all speeches by erstwhile anti-reformers after the general election was that, in terms of the number of additional seats she was offered, justice was not being done to Scotland. The liberal press was apt to denounce the sham patriotism of these 'grovelling and false-hearted Scotsmen' especially because many of those who clamoured for extra seats had also voted for Gascoyne's motion in April, which had ensured that none of these might come from the English representation.⁶¹ The arguments with which opponents of the bill supported this position were, however, consistent with earlier approaches. Accepting the principle of the bill as a *fait accompli*, the progress of Scotland within the Union was now mobilised as an argument for extra members, as it was by Colonel Lindsay:

[...] this Bill did not give a fair proportion of Members to Scotland, considering the wealth and population of that country. The proportion had long been settled, and being altered, as it was now proposed to be, the Articles of Union were violated; while, at the same time, justice was not done to Scotland.⁶²

While the unreformed representation had been beyond the wit of man, full of anomalies and not reducible to any theory, it had been perfect in its practical results. It was this kind of argument which had been

⁵⁹ *Parl. Debs.*, 3rd ser., iii, 126.

⁶⁰ *Ibid.*, vii, 539.

⁶¹ *Scotsman*, 23 April 1831.

⁶² *Parl. Debs.*, 3rd ser., vii, 551-2.

deployed to defend the existence of the nominal or rotten boroughs in England. These, as well as providing the opportunities for the representation of imperial interests and for talented men of small fortune to enter Parliament without a ruinous contest, also served to supplement Scotland's inadequate representation. Sir George Murray had premised his support for Gascoyne's amendment on his belief that 'the number of Scotchmen was greater now than it would be under the new system, for it was well known that great numbers of Scotchmen sat for English boroughs'.⁶³ Indeed, the Lord Advocate himself was in the position of sitting for Lord Fitzwilliam's pocket borough of Malton until the general election of 1831. The wholesale changes being made to a system that achieved such advantageous results for Scotland could thus allow Warrender, in January 1832, to claim that Scotland had an additional right to extra members because of 'the facility with which Scotch Gentlemen had hitherto obtained seats in that House, through the medium of close English boroughs'.⁶⁴

Members who lamented the demolition of this practically perfect system thus charged government with introducing a reform that was theoretical, yet did not apply this theory equally across the three kingdoms. Sir George Murray made the case at length in calling for more seats to represent the Scottish counties and demanding that in new-modelling the representation 'all parts of the empire ought to have been treated fairly ... According to the principles of the Bill, however, Scotland was not fairly treated'.⁶⁵ This patriotic argument was even used to attempt to stimulate a popular reaction against the reform measure, and an Edinburgh bill poster from June 1832, *Scotland's Appeal to her Sons*, addressed itself 'to all Scotsmen, *whether Whigs or Tories, Reformers or Anti-Reformers*'. It claimed that the object of British government, prosecuted by any party, had always been 'to insult and degrade SCOTLAND to the situation of a CONQUERED PROVINCE' and indicted the reform bill for suggesting 'that TWENTY-EIGHT ENGLISHMEN are equal in all respects to FORTY-FOUR SCOTSMEN'. To redress this injustice it exhorted all Scots to call meetings to petition for more seats and for the same rules to be applied equitably to Scotland and England, and asked 'because Scotland was cheated at the Union, does that afford any good reason for her being ALWAYS cheated?' The poster ended this patriotic harangue by citing twelve lines from 'Scots wha hae'.⁶⁶

*

If there was thus no single or coherent ideological defence of the unreformed representation or assault on the proposed reform, the supporters of reform also deployed idiosyncratic arguments and appealed to the

⁶³ *Ibid.*, iii, 1653.

⁶⁴ *Ibid.*, ix, 634.

⁶⁵ *Ibid.*, 638.

⁶⁶ NAS, Buccleuch Muniments, GD224/507/31, *Scotland's Appeal to her Sons* [printed].

language of patriotism. Of all the political groupings of the early nineteenth century the Whigs had the best claim to be an organised party, although this was true only in a partial sense. Even the appointment of Wellington's government in 1828 had not served to unite them and, while they became more organised and coherent towards the end of 1830, they remained a broad church, comprehending different positions on parliamentary reform.⁶⁷ The cabinet formed by earl Grey to prosecute reform reflected this breadth, incorporating liberal Tories and one ultra Tory in the duke of Richmond, as well as Whigs of differing ideological hues.⁶⁸ D. C. Moore advanced sophisticated sociological arguments for interpreting this mixed political elite's espousal of reform as an essentially conservative measure, a constitutional 'cure' designed to maintain the steadily eroding power of the landed interest by creating 'deference communities' as parliamentary constituencies.⁶⁹ As John Milton-Smith argued, however, such an approach tends to generalisation and thus undervalues the complexity and flexibility of individual approaches to the reform question, and the specific political context in which the legislation was formed.⁷⁰ The coalition lacked one coherent justification for the measures it pursued, and was sustained and united by the common belief that reform was a matter of expediency, if for some it was also a matter of principle.⁷¹ For the Scottish Whigs, there were two basic approaches to reform, which might be usefully defined as 'old' and 'new' Whig. These cannot be seen as distinct creeds, but rather as broad critiques, which mingled with one another, as they did with other ideologies, to produce idiosyncratic approaches to reform.

An old Whig approach to reform was certainly apparent, as we might expect from a ministry headed by Grey, whose recent biographers have portrayed him as 'above all, a Whig aristocrat of the eighteenth century, who lived through but never entirely accepted an age of rapid social and political change'.⁷² Relying on much the same ideological inheritance, old Whig ideas about parliamentary reform could appear similar to more conservative critiques. In seeking to balance 'interests' and maintain the equilibrium of a tripartite constitution of king, Lords and Commons, this critique was similarly averse to speculation and favoured terms such as 'amending' or 'restoring'.⁷³ James Loch, MP for the Tain

⁶⁷ Ian Newbould, *Whiggery and Reform, 1830-41* (London, 1990), 40-50; Jupp, *British Politics on the Eve of Reform*, 290-307; Peter Mandler, *Aristocratic Government in the Age of Reform: Whigs and Liberals, 1830-1852* (Oxford, 1990), 13-72.

⁶⁸ For Grey's cabinet see G. M. Trevelyan, *Lord Grey of the Reform Bill* (London, 1920), 247-9; Newbould, *Whiggery and Reform*, 54-5.

⁶⁹ D. C. Moore, *The Politics of Deference: A Study of the Mid-Nineteenth Century English Political System* (Hassocks, 1976), 137-190.

⁷⁰ John Milton-Smith, 'Earl Grey's Cabinet and the Objects of Parliamentary Reform', *Historical Journal* 15 (1972) 55-74.

⁷¹ *Ibid.*, 62-3; Jonathan Parry, *The Rise and Fall of Liberal Government in Victorian Britain* (London, 1993), 72-86.

⁷² E. A. Smith, *Earl Grey, 1764-1845* (Oxford, 1990), 326; see also John W. Derry, *Charles, Earl Grey: Aristocratic Reformer* (Oxford, 1992).

⁷³ Milton-Smith, 'Earl Grey's Cabinet', 65-6.

burghs after 1830, and more notorious as one of the architects of the Sutherland clearances, is indicative of this old Whig approach to political reform in Scotland. Loch was invited to submit a plan of reform to the Whig government in December 1830, and the scheme he offered was a clear reflection of old Whig ideas about political reform. His plan began by suggesting that the guiding principle of any parliamentary reform should be 'the corrections of those anomalies and abuses which the change of circumstances and the progress of some portions of the Country, more than others, has produced in the state of the representation'. Interestingly, he sought a county franchise for Scotland based on 'some Principle [...] already existing in the Constitution of that Country', pre-empting those who would oppose reform on the basis that it destroyed Scotland's semi-independent constitutional arrangements.⁷⁴ As far as Loch was concerned, reform was about amending abuses, balancing different interests in a manner which maintained the influence of those possessing landed wealth, and doing so in line with the constitution or at least the traditions and institutions of Scotland.

The plans of reform advocated by men such as Loch before the introduction of the government's bills had more than a passing similarity to the kind of reform which opponents of those measures would come to advocate during the course of 1831.⁷⁵ Indeed, it is instructive as to the common political assumptions of much of the Scottish elite that Loch could, as early as December 1830, level criticisms against those chosen to draft the Scottish legislation, which pre-empted most of the arguments which would be levelled at Jeffrey in Parliament throughout 1831:

[...] now with all submission I must contend that no class of Men are less capable of advising on a practicable Question affecting the interests of all classes of the Country —they are theoretical in their views, exclusive in their Society contemning all who differ from them in opinion holding by far too cheap the general body of the Landed Proprs. of the Country [...] Their object is to have a measure that will create a more perfect state of political condition than now exists. That I take it is not the object of Parliamentary Reform, which ought to aim at no more than doing away with the anomalies produced by time, and suiting your Institutions to such changes.⁷⁶

This critique of the Edinburgh Reviewers, and implicitly of new Whig ideology, highlighted three main concerns about the approach to reform pursued by the architects of the Scottish legislation, all of which were superficially apparent in Cockburn's *Review* article of October 1830. First, Loch argued that the Reviewers' approach was not based on

⁷⁴ DUL, Grey Papers, GRE/B46/1/32, Mr. Loch's Plan of Reform for Scotland.

⁷⁵ Loch himself supported the Scottish bill in Parliament, voting for it but not speaking in its defence. For similar 'old Whig' approaches to Scottish reform see Alexander Dunlop, *Letter to the Freeholders of Dumbarton, on Parliamentary Reform* (Edinburgh, 1830); Sir John Sinclair, *Thoughts on Parliamentary Reform* (Edinburgh, 1831).

⁷⁶ NAS, Loch Muniments, GD268/29/2-3, James Loch to William Adam, 5 Dec. 1830.

principles of amending and preserving the existing, prescriptive constitution but was speculative. Cockburn had portrayed Scotland as lacking any representation whatever: 'there never has been, and while the existing system endures, there never can be, any thing resembling a real representation in Scotland'.⁷⁷ The existing system would, therefore, have to be dismantled and a new one raised in its place. Second, by adopting the theory of a uniform franchise, which was part of Cockburn's plan, it threatened to upset the delicate balance of interests, and particularly to destroy landed influence in Scotland.⁷⁸ Third, that it threatened to ignore the peculiarities of Scottish society in a project aimed at blind assimilation and ignored native opinion. Certainly, Cockburn had been scathing of the calibre of Scottish MPs and his article had begun by suggesting that it was impossible to see the elections in England 'without turning with sorrow and humiliation to Scotland'.⁷⁹ Loch's criticisms were voiced by a large number of the Scottish political elite, both Whig and Tory, throughout the reform crisis, and they provide a framework in which to investigate new Whig ideology and its influence on reform in Scotland.

New Whig ideas about reform owed a great deal to the Scottish tradition of conjectural history which argued that, while the past still provided a guide to actions, to it must be added sagacious conjectures with respect to the future. It had also moved away from discussion about what form of government was most meritorious, instead identifying commerce as the motor of society, and its maintenance as the ultimate aim of political institutions.⁸⁰ In practical political terms, this meant that, while abstract innovation remained dangerous, wise legislation must pursue the 'gradual and prudent accommodation of established institutions to the varying opinions, manners, and circumstances of mankind'.⁸¹ This intellectual legacy was reinforced by personal relationships, which were especially apparent in the group influenced by the teaching of Dugald Stewart, professor of moral philosophy at Edinburgh University between 1785 and 1810. From this seat of learning Stewart taught an entire generation of Scottish and British politicians, including not only Cockburn and Jeffrey, but other figures prominent during the reform crisis such as Henry Brougham, Lord Palmerston and James Mill.⁸² Responsibility for the Scottish reform measure devolved on two of Stewart's erstwhile students, Francis Jeffrey and Henry Cockburn, who acted in collaboration with key members of the Scottish political elite, most notably the MP for the Ayr burghs, Thomas Kennedy. What was marked in the opening

⁷⁷ [Cockburn], 'Parliamentary Representation of Scotland', 209.

⁷⁸ *Ibid.*, 224-5.

⁷⁹ *Ibid.*, 208.

⁸⁰ Biancamaria Fontana, *Rethinking the Politics of Commercial Society: The 'Edinburgh Review' 1802-1832* (Cambridge, 1985), 147-60.

⁸¹ Stefan Collini, Donald Winch and John Burrow, *That Noble Science of Politics: A Study in Nineteenth-Century Intellectual History* (Cambridge, 1983), 34.

⁸² *Ibid.*, 44.

debates was the relatively small number of speakers who spoke in support of the Scottish measure. Jeffrey's ideological defence of the bill was supplemented, not by speeches from MPs in Scottish seats, but those from Daniel O'Connell, MP for county Clare, and Joseph Hume, the Scottish radical who sat for Middlesex.⁸³ The situation improved after the general election, which afforded government two members who were passionate advocates of the bill and were prepared to defend it at length—William Gillon, MP for the Linlithgow burghs, and Robert Ferguson of Raith, MP for the Kirkcaldy burghs.⁸⁴ Older hands were also pitching in more consistently by this point, with Charles Grant, the President of the Board of Control and county MP for Inverness, and Sir James Mackintosh, sitting for Knaresborough, adding their weight to the government's case.⁸⁵

In the opening debates, however, the Lord Advocate was largely left to his own devices. In presenting and defending the measure, the influence of conjectural history was most apparent in the powerful counter-argument made against the idea that Scotland's prosperity and improvement since 1707 rendered any innovation in her representation a dangerous pursuit. Jeffrey delivered a coherent attack on this notion in his speech during the debate on the introduction of reform in March 1831. He began by highlighting the high level of 'wealth, splendor, and cultivation' that England had achieved under the Tudors and Stuarts. This was evidence of the fact that 'for nations to attain a great measure of prosperity and an infinite measure of wealth, very little political freedom was necessary'.⁸⁶ Anti-reformers, according to Jeffrey, were peddling a fallacious argument which, in simply viewing the practical existence of prosperity and civilisation as proof positive of the adequacy of political arrangements, left no room for progress and utterly misrepresented the relationship between liberty and commercial prosperity. By invoking the examples of the Italian republics and the German trading towns of the middle ages, he sought to demonstrate the general principle, that it was commercial prosperity itself that created the desire for and necessity of political reform. Commercial growth was the motor of society, creating leisure time for education and cultivation, a process that imparted to increasing numbers in society 'a sense of dignity and independence, which led at once to the assertion of political power and importance'. By this argument 'liberty was the daughter, not the mother of riches'.⁸⁷ It was this approach, which relied heavily on the tenets of conjectural history, which allowed Jeffrey to derive a general theory of political reform: 'The fact was deducible from principles which admitted of no question, that as long as nations continue crescent and progressive in

⁸³ *Parl. Debs.*, 3rd ser., ii, 1156-60, iii, 190-6.

⁸⁴ *Ibid.*, vii, 540-7, 549-50.

⁸⁵ *Ibid.*, 553-5, 559-64.

⁸⁶ David Hume and Adam Smith had both argued that commerce and personal liberty could flourish under various forms of government; Collini *et al.*, *That Noble Science*, 30.

⁸⁷ *Parl. Debs.*, 3rd ser., iii, 61.

wealth they constantly and successively outgrow the dimensions of their political institutions.⁸⁸

The proof that reform was needed was simply the existence of reasonable and lasting discontent among those beneficiaries of commercial growth who had gained not only wealth but respectability and intelligence, and a concomitant right to claim to be represented. This reasonable discontent was certainly apparent to Jeffrey in the extra-parliamentary movement demanding reform, and the remedy lay in the enfranchisement of the middle classes through the medium of the ten-pound franchise.⁸⁹ The Scottish Whigs consistently identified a respectable middle class, whose enfranchisement was justified on grounds of expediency as well as principle. In contradistinction to this class, whose virtues and intelligence rendered them worthy of representation but whose exclusion from the constitution made them discontented, he described another:

[...] of far more desperate, and dangerous individuals—persons [...] who utterly distrust and despise all the institutions of the country; who hate all law and authority, and aim directly, and with little disguise or equivocation, at the destruction of all property, and the abolition of all dignities.⁹⁰

The great danger to be apprehended from resistance to reform was that the middle classes, if their claims were denied, would come to side with this dangerous faction with fatal consequences. Reformers also looked to the French Revolution and drew political lessons from it; their conclusions were, however, different from those of anti-reformers. James Abercromby was clear that avoidance of a similar fate to that of France's *ancien régime* depended upon the government passing a significant measure of reform that might 'unite such a large portion of the people, as to give us a fair chance of avoiding violence'.⁹¹ If the bill miscarried, and particularly if it did so by the agency of the House of Lords, he was certain that the people would apply lessons learned from the French as well:

If the Lords are rebellious, the people will not bear it, & they will denounce the Lds as the greatest of all national grievances. In this they will be encouraged by the example of France, where a hereditary Peerage is at a great discount. With such an example before their eyes it will be very difficult to save the Lords, & they may settle their own fate by being violent.⁹²

⁸⁸ *Ibid.*, 62.

⁸⁹ For ideas about the 'middle class' during the reform debates see Dror Wahrman, *Imagining the Middle Class: The Political Representation of Class in Britain, c. 1780-1840* (Cambridge, 1995), 298-327; Fontana, *Rethinking the Politics of Commercial Society*, 154-8.

⁹⁰ *Parl. Debs.*, 3rd ser., iii, 69.

⁹¹ James Abercromby (1776-1858) trained as a lawyer before becoming the auditor of the duke of Devonshire's estates and then MP for Midhurst 1807-12 and Calne 1812-30. He took a prominent role in Scottish questions in Parliament and had led the campaigns to reform Edinburgh's representation in 1824 and 1826. He was elected MP for Edinburgh alongside Jeffrey in the first reformed Parliament and became the first Scottish speaker of the House of Commons in 1835.

⁹² Royal Archives, Windsor Castle, Melbourne Papers, box 104/3, James Abercromby to Viscount Melbourne, undated.

In applying these principles to the Scottish representation, Jeffrey and other reformers certainly made no secret of the fact that innovative reform was what was required and, in September 1831, he and Sir James Mackintosh both took in the broad sweep of British history to defend a total change in Scotland's political arrangements. It was apparent to all that Scotland had advanced rapidly in wealth, population and education since 1707. Her political arrangements had also been fixed at the Union, and both Jeffrey and Mackintosh painted a bleak picture of seventeenth-century Scotland to demonstrate that this progress had been achieved, according to the earl of Rosebery 'not in consequence of its Representative system but in spite of it'.⁹³ Mackintosh asserted during the debate in September 1831:

From whatever period the history of Scotland was looked at, from the time of the Union of the Crowns to the Union of the kingdoms, it was found that it had the same system of Representation it had up to the present day. Yet under that Parliamentary Constitution, and that system of Representation, Scotland became the scene of bloodshed—the theatre of atrocious crime—of cruel religious and civil wars, and of every horror that could barbarize a nation.⁹⁴

Jeffrey similarly sought to defuse the argument that the same might be said of England by pointing to Scotland's backward state. In the seventeenth century her people were only motivated by religion and 'a gloomy fanaticism [...] and while they suffered political oppressions unresisted, drew their swords at once for a scattered remnant and a broken covenant'. Scotland could therefore take no constructive part in 'the great outbreak and overflow of English liberty'.⁹⁵

Scotland's subsequent rapid advance was thus attributable to the positive results of the Union rather than to 'its Parliamentary Constitution, or to its Representative system'. While this was most apparent in the commercial benefits of the Union, both Jeffrey and Mackintosh were prepared to give some credit for the improvement of the population and the political elite to the example set by free English institutions and political culture. This was, however, no substitute for direct access to the benefits of a free constitution, and Jeffrey stressed that he was in no way defending notions of 'virtual representation' when he asserted that 'Scotland had derived from England, not merely the benefit of greater liberality of ideas, but greater knowledge of political rights, and more respect for political duties'.⁹⁶ Jeffrey continued his analysis by pointing out that for the first fifty years of the Union, Scotland claimed no political rights and expressed no national feeling save over religion. This he

⁹³ *Parl. Debs.*, 3rd ser., viii, 63.

⁹⁴ *Ibid.*, vii, 561.

⁹⁵ Similar arguments about 'the feudal Parliament of Scotland' and 'the barbarous state of society in that part of the kingdom' were made by Lord Brougham on moving the second reading of the Scottish reform bill on 4 July 1832; *Parl. Debs.*, 3rd ser., xiv, 55-62.

⁹⁶ *Ibid.*, vii, 532-3.

attributed to 'a state of ignorance which the advantages of a rapidly increasing trade, and a more extended intercourse with other countries, have now so thoroughly dispelled'.⁹⁷

Where there was division apparent in the arguments of Scottish reformers, it appeared over this attribution of Scotland's prosperity to the advantages of the Union. Some who supported the bill, approached the arguments of their opponents by rejecting Jeffrey and Mackintosh's approach and grounding their interpretation of Scottish progress in the specific institutions secured by the Union, rather than in that union itself and the benefits of English example. Andrew Johnstone, MP for the East Fife burghs, noted the prevalence of the argument 'that Scotland derived the chief of her present advantages, both in wealth and other respects, from the benefits which were conferred on her since her union with England' but argued that such benefits were 'chiefly the result of her own industry'. Such advantages had important origins in 'the chief of her popular institutions—namely, her Church', which had most certainly not arisen from the connection with England.⁹⁸ A pamphlet in support of the bill widened this praise of Scottish institutions, and highlighted not only a liberal and enlightened clergy, but also Scotland's legal and educational systems, and her poor law, 'things indigenous to our soil', as that 'to which Scotland, in reality, owes her prosperity'.⁹⁹ While the author acknowledged the manifest benefits of the Union 'to both kingdoms', he took issue with Jeffrey's gloomy portrait of pre-1707 Scotland, which had in fact struggled since the Romans 'for the sacred cause of her religion, her liberties and her independence'.¹⁰⁰

All reformers argued, however, that in 1831 Scotland could boast an ever-increasing class of propertied, respectable and intelligent citizens who still laboured under the manifold disadvantages of a feudal system of representation that had been petrified in 1707. The reform argument was one for the completion of the Union, by granting Scotland access to the free institutions and representation that had been denied to her in 1707. Disagreement among reformers, as is suggested by Loch's comments, was over how far this process should proceed. For Jeffrey and Mackintosh there were no indigenous political and libertarian traditions to which they might appeal, and Mackintosh claimed that while it was fair to describe the English measure as 'a restoration of ancient principles' the same simply could not be true of Scotland. It was a mockery to suggest that the Scottish bill 'restored rights they had never possessed, and renewed a Constitution which they never enjoyed'.¹⁰¹ Reform in Scotland would necessarily involve the wholesale replacement of the

⁹⁷ *Ibid.*, 534.

⁹⁸ *Ibid.*, xi, 1183.

⁹⁹ A Reforming Scottish Freeholder, *Letter to the Right Hon. Earl Grey, K. G. First Lord of the Treasury, &c. &c. on the Inadequacy of the Proposed Number of Representatives Allotted to Scotland* (Edinburgh, 1832), 15-16.

¹⁰⁰ *Ibid.*, 16-20.

¹⁰¹ *Parl. Debs.*, 3rd ser., vii, 560.

existing feudal arrangements. Jeffrey made no secret of this aim when he introduced the second bill to the Commons, and gave a radical statement of intent that was anathema to many more conservative members:

He would then at once declare that the object of the Bill was not to take away any part of the system, but to take down the whole of it, to take it down altogether, for the whole principle of it was bad. He gloried in making the avowal that no shred or rag, no jot or tittle of it was to be left.¹⁰²

In the light of this rather radical statement, perhaps the aspect of Loch's critique which needs most detailed consideration is that which has been repeated by historians, that in remodelling the representation the Scottish Whigs were aiming at assimilation.¹⁰³ It is clear that they did see the reform act as the emancipation of Scotland from a native feudal political system, or as Cockburn more colourfully put it: 'The last links of the Scotch feudal chain dropping off under the hammers that one may distinctly hear erecting the first Hustings our country ever saw!'¹⁰⁴ Jeffrey's private statements echoed the prejudices of many eighteenth-century English politicians against the tenor of Scottish politics. He described native politics as 'Scotch dirt' and became increasingly annoyed with the constant jobbing of 'our hungry Scotch Whigs'.¹⁰⁵ To Jeffrey, the Augean stables of Scottish corruption could be cleansed only by direct access to rejuvenated English liberties. The measures were, however, patriotically presented as amending an 'ungenerous' union, which had been characterised by 'the stronger party imposing conditions that seemed not equitable on the weaker'.¹⁰⁶ This was the approach adopted by other Scottish reformers and Robert Ferguson demonstrated his unionist-nationalism when he addressed the electors of the county of Haddington in May 1831:

He thought this was a cause in which Scotsmen would feel proud to come forward—it was to put them on level with England—it was to place them on a political footing they never before had. He hailed the measure as the real union of Scotland with England—he considered the former union as a union of humility.¹⁰⁷

¹⁰² *Ibid.*, 536.

¹⁰³ The best investigation of an essentially English-oriented eighteenth-century 'North British patriotism' is Colin Kidd, 'North Britishness and the Nature of Eighteenth-Century British Patriotisms', *Historical Journal* 39 (1996) 361-82; see also his *Subverting Scotland's Past: Scottish Whig Historians and the Creation of an Anglo-British Identity, 1689-c.1830* (Cambridge, 1993).

¹⁰⁴ NLS, Correspondence of Lord Cockburn, Dep. 235, Box 1, Henry Cockburn to Thomas Dick Lauder, 30 Dec. 1830.

¹⁰⁵ NLS, Adv. MSS, 9.1.8, fos 26, 95, Francis Jeffrey to Henry Cockburn, 10 March 1831 and 7 Nov. 1831.

¹⁰⁶ *Parl. Debs.*, 3rd ser., vii, 533.

¹⁰⁷ *Scotsman*, 11 May 1831. For the idea of 'unionist-nationalism' in nineteenth-century Scotland, see Graeme Morton, *Unionist-Nationalism: Governing Urban Scotland, 1830-1860* (East Linton, 1999).

Subsequent historians, partly on the basis of Cockburn's published works, have tended to represent the Scottish Whigs as out-and-out assimilationists.¹⁰⁸ Michael Fry writes of Cockburn 'at every point where he could exert a direct personal influence, he actually wanted to make Scotland as much like England as possible'.¹⁰⁹ William Ferguson also highlighted sloppy drafting and prejudices against Scottish civil law as the causes of deficiencies in the bill.¹¹⁰ Doubtless mistakes were made, the atmosphere of crisis, the lack of time devoted to the Scottish bill, and Jeffrey and Cockburn's nature as brilliant criminal, rather than civil, lawyers all contributing. What is not apparent in Cockburn's published work is that many of the mistakes were due to pressure from a cabinet intent on making the three bills as similar as possible, and beset by the problems of legislating for the multiple union.¹¹¹ Cockburn's largely retrospective analysis has tended to belie the fact that even the bill's most enthusiastic sponsors were actuated by a desire to legislate sympathetically for Scottish peculiarities.

The limits of the Scottish Whigs' faith in assimilation are most apparent in their private correspondence. Jeffrey wrote from London and was time and time again compelled to conform to cabinet expectations, no matter how incompatible they may have been with Scottish law or institutions. To an extent, Jeffrey's correspondence with Cockburn supports the conclusions about the overbearing influence of an English cabinet voiced by some Scottish opponents of the bill. The tone was set during the consideration of the first draft of the bill and Jeffrey wrote in February 1831: 'The Cabinet [...] smashed all the *mechanism* of our Scotch bill yesterday, in an inhuman manner; from a peremptory and inflexible resolution to make it conformable to what they have settled for England'.¹¹² Jeffrey's complaint was about the cabinet abolishing the review jurisdiction of the Court of Session, which had been reviewing Freeholder qualifications since 1743. Cockburn was still livid at Lord Althorp's apparent acceptance of bad advice on this aspect of reform in April 1832, which he felt constituted 'the wanton introduction of glaring blots, the bad working of which will hereafter be ascribed to the reform itself and not to any defect in it'.¹¹³ In this prediction he was correct, and the eventual

¹⁰⁸ Cockburn's key published works dealing with the reform bills are Henry Cockburn, *The Journal of Henry Cockburn, being a Continuation of the 'Memorials of his Time', 1831-1854*, 2 vols, (Edinburgh, 1874); Henry Cockburn, *Letters Chiefly Connected with the Affairs of Scotland* (London, 1874); Henry Cockburn, *Life of Lord Jeffrey, with a Selection from his Correspondence*, 2 vols (Edinburgh, 1852).

¹⁰⁹ Michael Fry, 'The Whig Interpretation of Scottish History' in Ian Donnachie and Christopher Whatley (eds), *The Manufacture of Scottish History* (Edinburgh, 1992), 80-1.

¹¹⁰ Ferguson, 'Reform Act (Scotland)', 105-114. The claim that the Scottish legislation was badly drafted was raised by contemporaries; see for example *Letter to Robert Adam Dundas, Esq. M.P. on the Enfranchising Clauses of the Scottish Reform Bill* (Edinburgh, 1832).

¹¹¹ Karl Miller, *Cockburn's Millennium* (London, 1975), 118-19.

¹¹² NLS, Adv. MSS, 9.1.8, fo. 14, Francis Jeffrey to Henry Cockburn, 28 Feb. 1831.

¹¹³ Cockburn, *Letters*, 400-1, Henry Cockburn to T. F. Kennedy, 13 April 1832.

machinery of courts of sheriffs and substitutes was widely criticised after 1832.¹¹⁴

If they were careful to try to urge the impropriety of some English measures as regarded Scots law, the same was true of their attitude to Scottish institutions. In terms of assimilation, some issues could prove divisive, as did the issue of whether to allow Scottish clergymen to claim the vote on their benefices. The press abounded with angry letters about it and the desire to avoid the Erastianism of the English church and maintain the idea of 'two kingdoms' was expressed from many quarters.¹¹⁵ The issue was raised in the House of Commons by the presentation of a petition from the Presbytery of Dunblane in April 1831, which asked that ministers of the Church of Scotland be given the vote in any reform measure.¹¹⁶ Parliamentary debate was long delayed, however, and not until the committee stage did the pro-reform Andrew Johnstone, a long-serving elder in the Church, move that no member of the clergy, of any church in Scotland, be allowed to vote on the qualification of their benefice. He made the motion 'to preserve her institutions [...] and to preserve that peculiar character which belonged to the Church and people of Scotland'.¹¹⁷ Johnstone cited the Dunblane petition as proof that 'churchmen, both in ancient and modern times, had been and were desirous of political power in Scotland' and portrayed the enfranchisement of ministers as the equivalent of the imposition of lay patronage in 1712.¹¹⁸ As far as he was concerned, the church ought to be separate from the state, and giving political power to the clergy would destroy their character and respectability—they must therefore be saved from 'the importunities of patrons, from the solicitations of electors, or from any unhallowed conflicts (which God forbid should ever take place) in regard to sectarian differences'.¹¹⁹ The debate that followed cut across party lines, and Johnstone was opposed by Althorp, Murray and Warrender and supported by a handful of English members.¹²⁰ From a distance, Cockburn also supported Johnstone, and subsequently noted: 'All right thinking men were for disqualifying Scotch clergymen from voting merely because it was better for them not to be seduced into politicks.

¹¹⁴ Ferguson, 'Reform Act (Scotland)', 109.

¹¹⁵ The demand not to enfranchise ministers was also provoked by the clerical movement and petitioning campaign against the government's plan for Irish education, which stimulated a good deal of criticism of the clergy meddling in politics; see for example *Loyal Reformers' Gazette*, 23 July 1831.

¹¹⁶ *Parl. Debs.*, 3rd ser., iii, 1348-9.

¹¹⁷ *Ibid.*, xiii, 477.

¹¹⁸ *Ibid.*, 479.

¹¹⁹ *Ibid.*, 480.

¹²⁰ Murray had presented the Dunblane petition in April but had not been favourable to its claim, hoping instead that the Scottish church might be represented 'in the House of Peers by means of her dignitaries, and in the Commons, by the Members for her Universities'—by the committee stage of the bill, apparently after consultation with members of the clergy, he reversed his position and opposed Johnstone's motion; *Parl. Debs.*, 3rd ser., iii, 1349, xiii, 491-4.

But it was not English; & this, as on too many other occasions, was held conclusive.¹²¹

On this particular issue, there were also differences between the law officers. Jeffrey himself was for enfranchising the clergy, largely on the grounds that it was inconsistent to allow English and Irish clerics to vote and not Scots. This idea also received the support of Roderick Macleod, MP for Sutherland, who considered the issue in a letter to James Loch, and came out explicitly in favour of a measure 'which assimilates as much as possible the representation of Scotland to that of England'.¹²² These national questions cut across positions taken among the political elite on the more general question of reform.

Exasperation and frustration with the fiats and interference of an assimilationist cabinet lasted for the entire duration of the crisis, flaring up again in June 1832 with the attempt to establish a heritable property qualification for Scottish burgh MPs. Jeffrey, on whose behalf an Edinburgh election canvas had begun, absolutely refused to introduce the clause, and was joined in this resolution by all of the pro-reform Scottish members, leaving it to Althorp to introduce it himself. Jeffrey made it clear that he opposed the clause because it would disqualify men with wealth gained through commerce from standing, but the language used was also that of resisting pressures for conformity with the English measure: 'I scarcely expect to succeed in this not being English.'¹²³ Fearing too that even the immense unpopularity of the amendment in Scotland would not change the government's mind, he urged Cockburn: 'If you could show any solid distinction between Scotland and the rest of the Empire to justify the exemption it might still be listened to. But to say the truth, there is on this particular no solid distinction.'¹²⁴

Resistance to assimilation was a genuine response to perceived threats to Scottish institutions, but it could also be exploited in the attempt to frame legislation that accorded more with Scottish 'new' Whig principles. In this instance, Jeffrey sought to stop the Scottish representation from being restricted to the landed aristocracy, and eagerly sought a precedent or justification within Scotland. He was supported by public opinion and, in Edinburgh, reformers held a meeting to oppose the clause, and J. A. Murray more pointedly denounced the assimilationist tendencies of the government:

What was the real difficulty they had to contend against? Was it not the feelings and prejudices of English members in favour of every thing that was English. They did not know much about Scotland, and it was not to be expected that they would regard opinions in Scotland so much as their

¹²¹ NLS, Adv. MSS, 9.1.8, fo. 54, Note by Cockburn on letter from Francis Jeffrey, 23 Jun. 1831.

¹²² NAS, Loch Muniments, GD268/87/31-2, Roderick Macleod to James Loch, 25 May 1832.

¹²³ NLS, Adv. MSS, 9.1.9, fo. 52, Francis Jeffrey to Henry Cockburn, 18 June 1832.

¹²⁴ *Ibid.*, fos 53-4, 19 June 1832.

own. They conceived that every thing established in England was right; and that it would be a boon to give Scotland the same as they had themselves.¹²⁵

This controversy surrounding the property qualification neatly illustrates the complicated relationship between events in Parliament and the popular movement for reform in Scotland. While there is some justification for Cockburn's subsequent claim that the Whigs 'everywhere put themselves at the head of the people' the interactions between reformers in Parliament and the movement outside were far more complicated.¹²⁶ In particular, the Whig government took a rather ambiguous position on the Political Unions.¹²⁷ This ambiguity was expressed by Jeffrey, who wrote to Holland in January 1832 and explained that the Unions had 'contributed greatly to preserve peace and good order', though he remained wary that: 'If the measure were to misgive, they would be engines of the most frightful efficacy'.¹²⁸ Within this relationship the Political Unions could exercise a degree of influence on policy and, indeed, individual MPs and radicals might use a general fear of these bodies as leverage with which to further their own objectives.¹²⁹ The Political Unions in Scotland greeted the announcement of the qualification clause with a petitioning campaign and condemnations of this 'most extravagant insult to the people of Scotland'.¹³⁰ It was this context that allowed Jeffrey to convince Althorp to drop the clause, which was done immediately after the presentation of petitions against it from the Glasgow, Edinburgh and Renfrewshire Political Unions.¹³¹

Perhaps the most critical question that raised the issue of Scotland's position within Britain was how many extra seats Scotland should receive. With anti-reformers mounting a very vocal challenge for extra seats after the elections of 1831, it became a focal point of patriotic debate. On this point the Edinburgh lawyers were of a mind with the likes of Rae, Clerk, and Warrender, although they would certainly have apportioned any extra seats differently. Jeffrey made numerous representations to the cabinet that Scotland required extra seats, both to placate opposition and to do justice to her increased wealth and population. The cabinet, and Althorp in particular, resisted such appeals on the basis of the measure's unpopularity with English MPs and because it would afford O'Connell and Irish opinion an argument for more seats. Facing a strong challenge to redistribution proposals from

¹²⁵ *The Scotsman*, 23 June 1832.

¹²⁶ Cockburn, *Journal*, i, 30.

¹²⁷ LoPatin, *Political Unions*, 87-130.

¹²⁸ British Library, Holland House Papers, Add. MSS 52644, fos 149-50, Francis Jeffrey to Lord Holland, 29 Jan. 1832.

¹²⁹ For an interpretation of the role of 'threats' of revolution and disorder throughout the reform crisis see Joseph Hamburger, *James Mill and the Art of Revolution* (New Haven, 1963).

¹³⁰ *Dundee Advertiser*, 12 July 1832.

¹³¹ *Parl. Debs.*, 3rd ser., xiii, 1057-8.

anti-reformers, the need to get seats from government for the representation of towns and cities increasingly became a priority of the Scottish Whigs. In May 1831, Jeffrey requested extra seats for both towns and populous Scottish counties, and he based his request on exactly the same argument by which opponents of the bill would demand extra seats. In comparison to the redistribution in England and the granting of extra seats even to her tiniest counties, justice was not being done to Scotland by the principles of population and wealth that Lord John Russell had claimed as the guide for the reform legislation.¹³² Jeffrey's approach could at times become nationalistic, even to the point of using crude national stereotypes in his agitated correspondence with Cockburn. For example, when Wales was given extra representation he railed: 'The concession to the cheese-eating, goaty, Principality of Wales, in the Committee, strengthens our claim considerably; and I think the English nationality, leading them to keep all their spare members to themselves, is visibly abated.'¹³³

The frustration was directed again at the essentially English nature of the reform. The obstacle identified is not, in this case, an authoritarian and assimilationist cabinet, but a more generally defined English nationalism, which was reluctant to augment the representation of Scotland and particularly Ireland at the expense of the English centre. This argument was even more patriotically stated in the published letter to earl Grey mentioned above, which supported the reform bill, but which encouraged the government to treat Britain as a single entity, and seize upon reform as an opportunity to make amends for the imperfect Union of 1707. According to its author, the objectives of reform were:

[...] to restore privileges which have been unduly destroyed; to legislate for the united kingdom as a *whole*, and not as frittered into parts; to *restore* to Scotland that representation which her actual wealth, population, enterprise and intelligence demand, and which is especially due, from the sacrifice of *rights* wrested from her at the Union.¹³⁴

Such issues highlight the inadequacy of the term 'assimilation' when applied to Scottish political elites during the reform crisis. Certainly, there were out-and-out assimilationists who argued for a single bill for the three kingdoms and complete uniformity of provision, but these were few. In reality, the consideration of Scotland's position within Britain was rarely that simple, and there were significant differences between the views of reformers. They all argued for a level of political assimilation 'to bring Scotland within the action of the constitution', but

¹³² DUL, Grey Papers, GRE/B37/3/13, Francis Jeffrey to earl Grey, 12 May 1831. Of course, as Norman Gash pointed out, government could always counter that a similar argument might be made for the augmentation of the representation of Middlesex and Surrey which had a combined population similar to that of Scotland; Gash, *Politics in the Age of Peel*, 48. Hume, in fact, did make this argument, although he agreed that Scotland deserved a greater number of MPs; *Parl. Debs.*, 3rd ser., x, 1085-6.

¹³³ NLS, Adv. MSS, 9.1.8, fo 77, Francis Jeffrey to Henry Cockburn, 5 Sept. 1831.

¹³⁴ Reforming Scottish Freeholder, *To the Right Hon. Earl Grey*, 23-4.

there were clearly limits to this. Rendering Scottish political institutions compatible with the progress of commercial society, rather than making them conform to an English model, was the purpose of the bill's architects. This could certainly in part be achieved with reference to English liberties, but ought not to be pursued without due regard for Scottish institutions and laws. Over this point the Whig lawyers came into repeated conflict with the cabinet, and could level against it arguments which were similar to those employed by opponents of the bill. Something that was common to all reformers was that when Scots believed that they were being denied equal access to English liberties, as with their frequent calls for extra seats, what Kidd calls 'a traditional Scottish chauvinism' could emerge.¹³⁵

*

There was therefore no single or coherent ideological defence of the unreformed representation or assault on the proposed reform. Nearly two years of unprecedented political excitement both in and outside Parliament certainly had a considerable impact on how members spoke of the Scottish representation. J. C. D. Clark's high political interpretation, which suggested that notions of an immutable Protestant constitution collapsed quickly under the force of events between 1829 and 1832, is certainly applicable to the Scottish context.¹³⁶ The provisions of the Union of 1707, which had been taken to define her position within this constitution, were rarely defended as inviolable, although anti-reform arguments could still emphasise the singularity of Scotland's constitutional position. This separateness was portrayed as positive, both in explaining Scotland's phenomenal commercial progress since 1707 and in delivering defences of the British representative system as an integrated whole. Certainly, there was a large degree of constitutionality to this approach, but with the emphasis on the results of this anomaly-ridden constitution, which had proved itself ideally suited to all the practical needs of the people and the nation's progress. Indeed, the notion of Scottish singularity could be carried to the extent of suggesting that Scotland had a separate constitution, and Colonel Lindsay, referring to the successful passage of the English measure through the Commons, lamented that the 'Constitution of England' had been ejected, and that: 'He must expect that the same fate would attend the Constitution of Scotland.'¹³⁷ In defence of this constitution, which represented the wisdom of generations, the government's reform measures, particularly as they applied to Scotland, were represented as dangerously speculative. Such reform would destroy the delicate balance of interests preserved by the old system and ensure the utter domination of the landed interest by the new ten-pound voters.

¹³⁵ Kidd, 'North Britishness', 361, 377-82.

¹³⁶ J. C. D. Clark, *English Society 1660-1832: Religion, Ideology and Politics During the Ancien Régime*, 2nd edn (Cambridge, 2000), ch. 6.

¹³⁷ *Parl. Debs.*, 3rd ser., vii, 553.

Interpretations of reform that rest on the notion of a crisis in elite politics tend to obscure the extent to which arguments used by elites had to be modified in the light of extra-parliamentary realities. The large, vocal and sustained agitation outside of Parliament could not be effectively dismissed as an effusion of popular feeling that would quickly disappear if resisted. In light of the seeming inevitability of reform, opponents of the bills, after the general election of 1831, sought to re-brand themselves as moderate but patriotic reformers who sought justice for Scotland within the new system. They had lost the argument over the necessity of Scottish reform. The reform debates and the dynamic context in which they were held thus present us with a complex picture of discourses in transition. Certainly, self-interest and political expediency help to explain the positions taken and arguments employed by Scottish MPs who opposed the reform legislation. We must also recognise, however, that, to MPs who had consistently defended the prescriptive constitution against the dangers of theory and speculation, the reform bills and the movement that supported them necessitated a reformulation of ideas.

Similarly, Cockburn's narrative, delivered in his several published works, does not reflect the opinions of all Scottish Whigs. The architects of Scottish reform approached the issue with an idiosyncratic critique. In the pages of the *Edinburgh Review* and through the various movements that had developed during the 1820s to question Scottish institutions and society, they had come to regard the entirety of Scottish representation as corrupt and essentially feudal. While these political arrangements had not impeded Scotland's progress since the Union, the links between liberty and commercial society convinced Cockburn and Jeffrey that it was imperative for Scotland to enlarge her political institutions if this progress was to be maintained. This was no blind assimilation, however, and Jeffrey and Cockburn were both concerned that Scottish reform should be prosecuted with due sensitivity to Scottish law and institutions. Their ultimate goal of modernisation through the maintenance of commercial society certainly encouraged some emulation of English practices, but this ought to be seen as accommodation rather than assimilation.¹³⁸ Far from everything after the ten-pound franchise being, as Cockburn claimed, 'mere detail and machinery' the Scottish Whigs constantly came into conflict with a cabinet for whom Scottish reform did not constitute a priority, and the Scottish landed interest which mounted a strong rearguard action to defend its position.¹³⁹ This approach necessitated what many could denounce as a 'radical' approach to Scottish reform, which was at odds with the common political culture of Scottish elites. If Whigs were united in recognising the expediency of reform, Loch's bitter denunciation of Jeffrey and Cockburn and the proximity of his arguments to those of the opponents

¹³⁸ Paterson, *Autonomy of Modern Scotland*, 69-72.

¹³⁹ Cockburn, *Journal*, i, 1.

of the bill, suggest that a nuanced approach to the discourses of reform is required. In many important aspects, particularly his insistence that reform ought to maintain the landed interest and be pursued in line with Scotland's constitution and existing institutions, he approached the arguments of those who opposed the bill. Indeed, by the end of 1831, opponents of the bill were advocating in Parliament just the kind of reform that Loch had in mind in December 1830.

The reform debate in Scotland necessitated a questioning of many fundamental aspects of Scottish society and, among political elites, of the central tenets of their political convictions. Dividing MPs into 'reformers' and 'anti-reformers' insufficiently describes a fluid context in which the subject of discussion shifted: from debating whether there ought to be a reform at all, MPs came to discuss what manner and degree of reform was acceptable. So too did all MPs try to present themselves as lovers of their country, and no group achieved a monopoly on the language of patriotism. This contest was sharpened by the nature of the legislation as renegotiating Scotland's position within the Union. As the government struggled to legislate effectively for England and Wales, Ireland and Scotland, national questions emerged which could cut across positions taken by MPs on other aspects of the reform question. While the broad outlines of different positions are identifiable, the striking feature of the debate was its ability to elicit idiosyncratic responses to reform.